

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR and  
GARY ALAN TANAKA,

Defendants.

No. 05 Cr. 621 (RJS)

ORDER

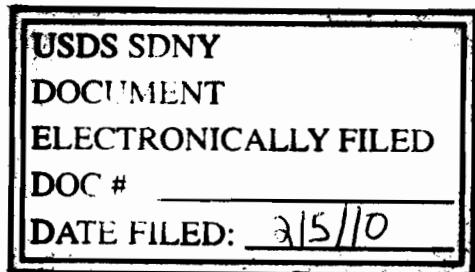
RICHARD J. SULLIVAN, District Judge:

The Clerk of the Court is respectfully directed to docket the attached letter.

Dated: February 4, 2010  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE





**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

February 4, 2010

**By E-Mail**

The Honorable Richard J. Sullivan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: United States v. Vilar and Tanaka,**  
**S3 05 Cr. 621 (RJS)**

Dear Judge Sullivan:

The Government respectfully submits this letter in connection with the February 5, 2010 sentencing of Alberto Vilar, in response to the February 4, 2010 letter of Jonathan Marks, Esq. (the "Letter"), counsel for Mr. Vilar.

The undersigned spoke to Mr. David Petercsak of JP Morgan Chase this evening upon receiving the Letter. Mr. Petercsak informed the undersigned that he told Mr. Marks that: (a) typically assets are frozen as a result of a request by the Government or by a restraining order; and (b) he does not know for sure why the Amerindo assets were frozen in this case. I read Mr. Petercsak the sentence in the Letter which states, "Today Mr. David Petercsak of JP Morgan Chase informed me that the funds have been frozen since 2005 at the request of the U.S. Attorneys's Office or the SEC or both." Mr. Petercsak stated he had not said that and that he thought that he had made it clear

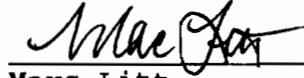
Hon. Richard J. Sullivan  
February 4, 2010  
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to Mr. Marks that he did not know why the assets had been  
"frozen."

Respectfully submitted,

PREET BHARARA  
United States Attorney

By:

  
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Benjamin Naftalis  
Assistant United States Attorneys  
(212) 637-2295/2456

cc: Glenn Colton, Esq. (by email)  
Jonathan Marks, Esq. (by email)  
David Petercsak (by email)